



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

AUG 07 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5940 4492**

Mr. Gedalye Szegedin, Administrator  
Village of Kiryas Joel  
P.O. Box 566  
Monroe, NY 10949

Re: Second Request for Information Pursuant to Section 308 of the Clean Water Act  
Village of Kiryas Joel Water Department  
Docket No. CWA-IR-13-009

Dear Mr. Szegedin:

This is a follow up to the Request for Information, Docket No. CWA-IR-13-009, sent to you on May 2, 2013, and the May 30, 2013 response received from Mr. Donald G. Nichol, sent on your behalf. As indicated in the May 2, 2013 request letter, the regulatory structure established under the Clean Water Act ("CWA") requires that a non-domestic source or an industrial user that introduces pollutants into a Publicly Owned Treatment Works ("POTW") must comply with the requirements pursuant to Section 307 of the CWA, 33 U.S.C. §1317, including the General Pretreatment Regulations found at 40 Code of Federal Regulations ("C.F.R.") Part 403. The Village of Kiryas Joel operates a water treatment plant ("Kiryas Joel Water Plant") located on Berdichev Road, also known as Raywood Drive. Mr. Nichol indicates in his letter that the Kiryas Joel Water Plant is tributary to the Village's wastewater treatment plant; however, EPA understands that a significant portion of the wastewater from the Kiryas Joel Water Plant discharges to the Harriman Sewage Treatment Plant which is covered by the Orange County Sewer District No. 1 ("OCSD"). OCSD is a "treatment works" which is publicly owned and has an approved pretreatment program subject to the regulations at 40 C.F.R. Part 403. An industrial user meeting any of the criteria in 40 C.F.R. §403.3(v) that discharges pollutants to a POTW is required to comply with the General Pretreatment Regulations at 40 C.F.R. Part 403.

Section 308(a) of the Clean Water Act, 33 U.S.C. §1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. §1311, the U.S. Environmental Protection Agency ("EPA") shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

Mr. Nichol's letter in response to EPA's May 2, 2013 Request for Information does not contain information as requested and is, therefore, considered nonresponsive. As such, the Village of Kiryas Joel may be subject to a penalty of \$16,000 per violation per day. This is a second Request for Information pursuant to Section 308 of the CWA.

## REQUEST FOR INFORMATION

The Village of Kiryas Joel is hereby required, pursuant to authority of Section 308(a) of the CWA, 33 U.S.C. §1318(a), to submit the following requested information regarding the Kiryas Joel Water Plant within thirty (30) calendar days of receipt of this letter:

1. Description of process operations and wastewater including the backwash water generated on site.
2. Total volume of wastewater discharge to OCSD, in gallons per day, listed in response to Item 1 from January 1, 2013 to present.
3. Analytical results from January 1, 2010 to the present, in particular for iron, from sampling of a representative discharge of wastewater to OCSD during a normal operating day.
4. If records of flow or sampling data are not available, the Village of Kiryas Joel shall provide a plan to conduct flow monitoring and sampling of the wastewater once per week for a period of two weeks:
  - a. Flow data and analytical results shall be submitted within sixty (60) calendar days of receipt of this letter;
  - b. Flow data shall be based on measured flow utilizing a properly calibrated flow meter;
  - c. Flow monitoring and samples taken for analysis shall be representative of the discharge to OCSD during normal operation;
  - d. Composite samples shall be taken and analyzed for ammonia, arsenic, cadmium, chromium, copper, iron, lead, manganese, molybdenum, nickel, silver, sulfate, zinc, BOD, and TSS; grab samples shall be taken and analyzed for total phenolics, oil and grease, and pH;
  - e. Testing and analysis shall be conducted in accordance with EPA analytical methods and procedures in 40 C.F.R. Part 136.
5. Alternatively to item #4 above, EPA offers to conduct sampling inspections on site to obtain the necessary data from sampling of the discharge.

## CERTIFICATION

Any documents to be submitted shall be signed by an authorized representative of the respective entity (see 40 C.F.R. §122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All information required to be submitted by this request shall be sent by registered mail or its equivalent to the following address:

Douglas McKenna, Chief  
Water Compliance Branch  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 20th Floor  
New York, NY 10007-1866

Continued failure to provide the required information may subject the facility to civil/criminal penalties pursuant to Section 309 of the CWA. Failure to comply with this information request shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

Should you have any questions regarding this request, please contact Ms. Virginia Wong, Regional Pretreatment Coordinator at (212) 637-4241, or Mr. Murray Lantner of this office at (212) 637-3976.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. McKenna', with a long horizontal flourish extending to the right.

Douglas McKenna, Chief  
Water Compliance Branch

cc: Shohreh Karimipour, Regional Water Engineer, NYSDEC Region 3

